IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Second Appeal No.920 of 2002

Suvarna Hanmant Patil .. Appellant

V/s

Hanmant Sopan Patil .. Respondent

Shri Tejpal S. Ingale for Appellant

Shri A.J.Chougule for Respondent

CORAM:S.R.SATHE,J.

DATED:20th June 2005

P.C. :-

1. Heard both the learned Advocates.

2. Perused the judgment of both the Courts below.

3. The Hindu Marriage petition filed by respondent-husband on ground of cruelty and desertion was dismissed. However, the first appellate Court though negatived the allegations with regard to desertion, passed decree for divorce on the ground of cruelty.

4. It is tried to be submitted on behalf of the

appellant that there was no sufficient evidence on record to prove cruelty and the fact that the appellant wife had filed an Application under Section 498A of Cri.P.C. was wrongly considered to be an act of cruelty.

5. From the perusal of the judgment, it appears that the learned trial Judge has observed that wife had made an attempt to commit a suicide by consuming poison. Such behaviour of the wife was also considered to be an act of bringing pressure and an act of cruelty. It seems that the parties are residing separately for quite long time and there is irretrievable brake down of the marriage. There is no error of law in the judgment of the first appellate court nor there is any substantial question of law involved in the present second appeal. There is nothing on record to show that appreciation of the evidence is perverse.

4. Under the circumstances there is no substance in the appeal. The appeal is dismissed in limine.

(S.R.SATHE,J.)